

**EXHIBIT 10**

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# HONIGMAN

Honigman Miller Schwartz and Cohn LLP  
Attorneys and Counselors

Brian D. Wassom

(248) 566-8490  
Fax: (248) 566-8491  
bdw@honigman.com

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August 19, 2013

Via Certified Mail To:

Rove Concepts  
2318 Oak Street  
Vancouver, BC V6H 4J1  
Canada

Via E-Mail To:

info@roveconcepts.com

**Re: Infringement of Herman Miller's EAMES® Trademark and Trade Dresses**

To the Person of Highest Authority:

Our firm represents Herman Miller, Inc. ("Herman Miller"). Since the 1940s and until his death, Charles Eames designed furniture for Herman Miller. After years of selling furniture designed by Charles Eames, Herman Miller registered EAMES as a trademark (see Exhibit 1, Registration No. 1,187,673), and that registration is now incontestable. Herman Miller also is the owner of the rights of publicity to the name and likeness of Charles Eames for use in connection with furniture. (See Exhibit 2, California Registration 1995-018.)

Further, because of Herman Miller's decades-long continuous production of the EAMES® Lounge Chair and Ottoman, the public has come to associate the configuration of the EAMES® Lounge Chair and Ottoman with Herman Miller and only Herman Miller. In other words, Herman Miller has acquired trade dress rights in the configuration of the EAMES® Lounge Chair and Ottoman. Indeed, the United States Patent and Trademark Office ("PTO") has recognized such; Herman Miller has registered the configuration of the EAMES® Lounge Chair as a trademark and that registration is now incontestable (see Exhibit 3, Registration No. 2,716,843).

Additionally, the public associates the design of the EAMES® Aluminum Group™ and EAMES® Soft Pad™ furniture with Herman Miller and only Herman Miller (see Exhibit 4, Herman Miller Brochure). Herman Miller also has registered the design of the frame of those furniture pieces as Herman Miller's trademark and that registration is incontestable (see Exhibit 5; Registration No. 3,105,591). All variations of the EAMES® Aluminum Group™ and EAMES® Soft Pad™ furniture operate as Herman Miller's trade dress.

You are currently advertising for sale several knockoff items that infringe Herman Miller's EAMES® Lounge Chair and Ottoman and EAMES® Aluminum Group™ and Soft Pad™ furniture trade dresses. Specifically, you offer for sale and sell knockoffs that use these trade dresses. (See Exhibit 6; Rove Concepts website print-offs). As the same examples

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39400 Woodward Ave. Ste. 101, Bloomfield Hills MI 48304-5151

*Detroit · Lansing · Oakland County · Ann Arbor · Kalamazoo*

13003019.1

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Rove Concepts  
August 19, 2013

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demonstrate, you are also making unauthorized commercial use of the “Eames,” “Charles Eames,” and “Ray Eames” names.

As your own YouTube video promotion acknowledges, “these furniture designs ... have achieved an iconic status, easily recognizable by ... furniture admirers all around the world,” and your products are “reproductions” of those designs.<sup>1</sup> The public associates these iconic designs, however, with Herman Miller, and only Herman Miller. Your unauthorized uses of the “Eames,” “Charles Eames,” and “Ray Eames” names, the EAMES® trademark and Herman Miller’s trade dresses violate federal and state law. Specifically, your use of Herman Miller’s trademark and trade dresses violates 15 U.S.C. §1114 and §1125 because consumers are likely to mistakenly believe that you are affiliated, connected, or associated with Herman Miller, and that Herman Miller has originated, sponsored, or otherwise approved of your knockoff furniture. Consequently, Herman Miller demands that you immediately:

- 1) cease and desist all use of the names “Eames,” “Charles Eames,” and “Ray Eames,” the use of the term “Eames” as a metatag or menu item, and any and all other attempts to palm-off the good will Herman Miller has built up in the EAMES® trademark;
- 2) cease and desist advertising, depicting, offering for sale, and selling knock offs of the EAMES® Lounge Chair and Ottoman, which includes the furniture depicted in Exhibit 6;
- 3) cease and desist advertising, depicting, offering for sale, and selling knock offs of the EAMES® Aluminum Group™ and EAMES® Soft Pad™ furniture, which includes the furniture depicted in Exhibit 6;
- 4) transport all existing inventory of the knockoff furniture depicted in Exhibit 6 to the undersigned attorney for immediate destruction;
- 5) destroy any specialized equipment or molds used to manufacture the knockoff furniture depicted in Exhibit 6;
- 6) disclose in writing to the undersigned attorney all contact information for the vendor(s) of the knockoff furniture identified in Exhibit 6, which includes but is not limited to the full corporate name, corporate address, factory address, telephone numbers, fax numbers, e-mail addresses, and the names and business addresses of all the principles of the vendor(s);
- 7) provide to the undersigned attorney in writing an accounting of all profit that you have garnered from the sale of the knockoff furniture identified in Exhibit 6; and

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<sup>1</sup> See Rove Concepts Intro, <[http://www.youtube.com/watch?v=s\\_Aj8XFZSCw#at=12](http://www.youtube.com/watch?v=s_Aj8XFZSCw#at=12)>

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# HONIGMAN

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Rove Concepts  
August 19, 2013

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- 8) verify in writing that you will no longer infringe Herman Miller's EAMES® trademark or Herman Miller's EAMES® Lounge Chair and Ottoman, Aluminum Group™ and Soft Pad™ trade dresses.

Herman Miller will not consider this matter closed until you comply with the above-listed demands. Please let us have your response within 10 days of the date of the letter.

Regards,

HONIGMAN MILLER SCHWARTZ AND COHN LLP

A handwritten signature in black ink, appearing to read "B. D. Wassom", with a long, sweeping horizontal line extending to the right.

Brian D. Wassom

Enclosures  
cc: Herman Miller, Inc.

# Exhibit 1

**Int. Cl.: 20**

**Prior U.S. Cl.: 32**

**United States Patent and Trademark Office**

**Reg. No. 1,187,673**

**Registered Jan. 26, 1982**

**TRADEMARK**  
**Principal Register**

**EAMES**

**Herman Miller, Inc. (Delaware corporation)**  
**8500 Byron Rd.**  
**Zeebnd, Mich. 49464**

**For FURNITURE FOR HOME, OFFICE AND**  
**COMMERCIAL USE, in CLASS 20 (U.S. Cl. 32).**  
**First use 1931; in commerce 1931.**  
**Sec. 2(f).**

**Ser. No. 244,816, filed Jan. 21, 1980.**

**CRAIG R. GILBERT, Primary Examiner**

# Exhibit 2

# California Business Portal

Secretary of State DEBRA BOWEN

SECRETARY OF STATE

ELECTIONS & VOTER INFO

POLITICAL REFORM

BUSINESS PROGRAMS

ARCHIVES & MUSEUM

OTHER SERVICES

## Special Filings

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[Successor-In-Interest Search](#)

[Immigration Consultant](#)

■ [Qualifications and Check List](#)

■ [Bond Search](#)

[Forms & Fees](#)

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## Successor-In-Interest

The information displayed here is updated at the beginning of the month. It is not a complete or certified record of the Claim as Successor-In-Interest.

Fees and instructions for requesting information relating to a successor-in-interest of record are included on the [Special Filings Records Order Form](#).

### [New Search](#)

**Search Results for:** Name:charles eames  
Company:

<b>Celebrity Name:</b>	Charles Eames
<b>File Number:</b>	1995-018
<b>Filing status:</b>	active
<b>File date:</b>	04/07/1995
<b>Date of death:</b>	08/21/1978
<b>Transferred by:</b>	contract
<b>Name of Claimant:</b>	Herman Miller, Inc.
<b>Address of Claimant:</b>	855 E. Main Avenue, Post Office Box 302, Zeeland, Michigan 49464
<b>Percentage interest claimed:</b>	100%
<b>Above percentage claimed in:</b>	limited rights described as follows: The right to use the above-listed name and likenesses in connection with any and all furniture based on designs by Charles Eames and/or the Eames Office.

**Celebrity Name:** Charles Eames



<b>File Number:</b>	1998-032
<b>Filing status:</b>	active
<b>File date:</b>	08/26/1998
<b>Date of death:</b>	08/21/1978
<b>Transferred by:</b>	trust
<b>Name of Claimant:</b>	Lucia Eames
<b>Address of Claimant:</b>	1251 San Antonio Road, Petaluma, California 94952
<b>Percentage interest claimed:</b>	100%
<b>Above percentage claimed in:</b>	limited rights described as follows: All rights to use the above listed name, voice, signature, photograph, and likenesses, except in connection with furniture based on designs by Charles Eames.
<b>Claim basis:</b>	Child

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**New Search**

# Exhibit 3

**Int. Cl.: 20**

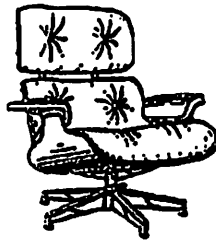
**Prior U.S. Cls.: 2, 13, 22, 25, 32 and 50 .**

**United States Patent and Trademark Office**

**Reg. No. 2,716,843**

**Registered May 20, 2003**

**TRADEMARK  
PRINCIPAL REGISTER**



**HERMAN MILLER, INC. (MICHIGAN COR-  
PORATION)  
833 EAST MAIN AVENUE  
ZEELAND, MI 49464**

**THE MARK CONSISTS OF THE CONFIGURA-  
TION OF A CHAIR.**

**SEC. 2(F).**

**FOR: FURNITURE, NAMELY, A CHAIR, IN  
CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).**

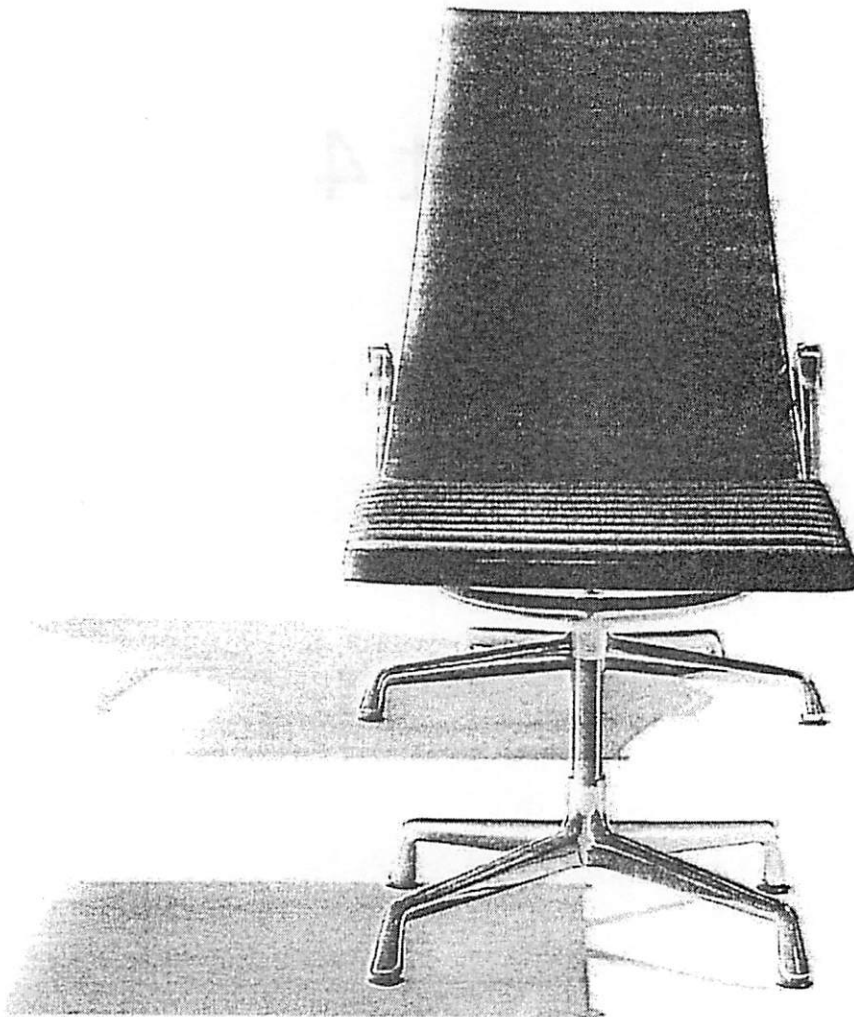
**SER. NO. 75-810,956, FILED 10-26-1993.**

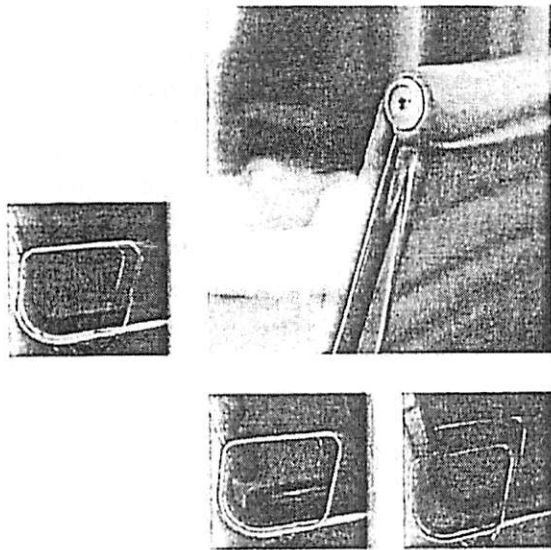
**FIRST USE 12-31-1956; IN COMMERCE 12-31-1956.**

**LINDA M. KING, EXAMINING ATTORNEY**

# Exhibit 4

**Herman Miller Eames® Soft Pad and Aluminum Group Chairs**





#### PROFILES IN COMFORT

To ensure seated comfort, Charles and Ray Eames suspended a continuous piece of seat-back upholstery between lightweight aluminum side ribs and stretched the upholstery tautly around each end of the frame. Whether upholstered in fabric, leather, vinyl, or an innovative mesh material that allows the chair to breathe, the result is appropriate firmness with just the right flexibility.

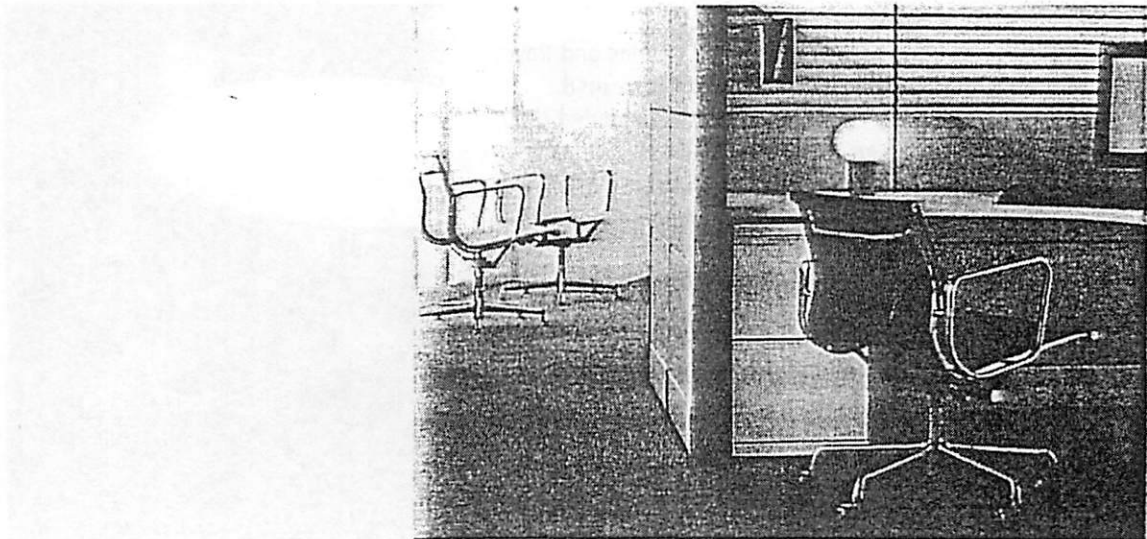
#### TRAITS THAT ENDURE

Herman Miller began making Charles and Ray Eameses' Aluminum Group chairs in 1958. Eleven years later, the Eameses extended the original design by adding plush, individually upholstered cushions. They named these the Soft Pad chairs, and Herman Miller has been making both versions ever since. Their simple lines, innovative use of materials, and suspension comfort work together to keep them in continuous demand.

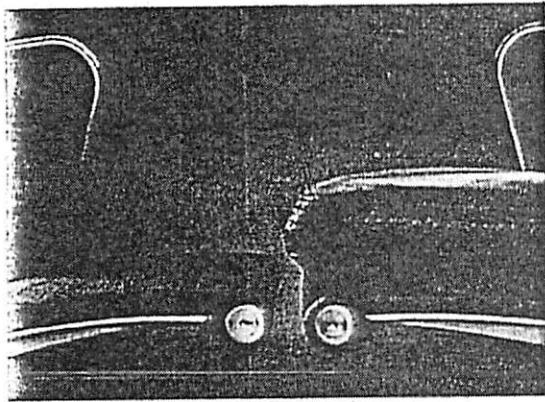


#### A STATEMENT OF EXCELLENCE

The slender, sophisticated Aluminum Group and its cushier cousin the Soft Pad bear the distinctive stamp of Charles and Ray Eames—a graceful, unmistakable appearance coupled with an uncanny ability to sit equally well in retro interiors, elegant lobbies, or hip young companies. Never being ones to favor style over substance, Charles and Ray gave both designs an innovative suspension for a firm, flexible “sitting pocket” that subtly conforms to the body’s shape. Add executive, management, side, and lounge models, and there’s everything you need for a statement of timeless design excellence.







#### COMPLEMENTARY SELECTIONS

Since they evolved from a common design idea, Aluminum Group and Soft Pad chairs have a strong family resemblance. They also share related features.

Executive and management models have seat-height adjustment and tilt-swivel and are available with casters or glides.

Lounge chairs feature glides and are available with tilt-swivel or swivel and with or without arms; matching ottomans are also available.

Arms, frames, and bases are brightly polished aluminum with clear urethane coating.

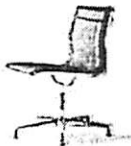
Cygnus™ mesh material, available on all Aluminum Group models, combines strong yet supple support with a translucency that highlights the chair's graceful profile.

Soft Pad chair cushions are two-inch-thick urethane foam enclosed with polyester fiber batting.

All chairs feature five-star, die-cast aluminum bases.



Charles and Ray Eames



Eames Aluminum Group Side Chair with Cygnus Mesh



Eames Aluminum Group Management Chair with Cygnus Mesh



Eames Aluminum Group Executive Chair with Cygnus Mesh



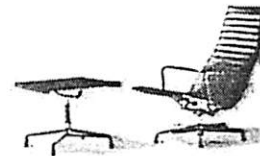
Eames Aluminum Group Side Chair



Eames Aluminum Group Management Chair



Eames Aluminum Group Executive Chair



Eames Aluminum Group Lounge Chair and Ottoman



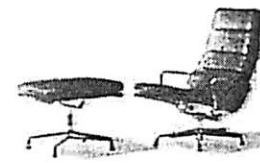
Eames Soft Pad Side Chair



Eames Soft Pad Management Chair



Eames Soft Pad Executive Chair



Eames Soft Pad Lounge Chair and Ottoman

#### 12-YEAR, 3-SHIFT WARRANTY

Like all Herman Miller products, Eames Aluminum Group and Soft Pad chairs are durable for long-term performance and value. As a statement of our confidence in their quality, the Eames Aluminum Group and Soft Pad chairs are covered by the Herman Miller Warranty—a straightforward promise that we stand behind that quality 100 percent. The 12-year, 3-shift warranty covers all standard elements and includes labor on all warranty work.

For more information about our products and services or to see a list of dealers, please visit us at [www.hermanmiller.com](http://www.hermanmiller.com) or call (800) 851-1196.

© 2004 Herman Miller, Inc., Zeeland, Michigan. Printed in U.S.A. on recycled paper. 0.MS3320-9

© Herman Miller and Eames are among the registered trademarks of Herman Miller, Inc.

™ Cygnus is among the trademarks of Herman Miller, Inc.



# Exhibit 5

**Int. Cl.: 20**

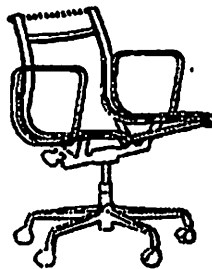
**Prior U.S. Cls.: 2, 13, 22, 25, 32 and 50**

**United States Patent and Trademark Office**

**Reg. No. 3,103,591**

**Registered June 20, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**



**HERMAN MILLER, INC. (MICHIGAN COR-  
PORATION)  
835 EAST MAIN AVENUE  
P.O. BOX 302  
ZEELAND, MI 494640302**

**TION OF A CHAIR FRAME, INCLUDING THE  
ARMRESTS. THE CHAIR FRAME IS MADE OF  
POLISHED ALUMINUM AND POLISHED ALUMI-  
NUM IS CLAIMED AS PART OF THE MARK.**

**FOR: FURNITURE, NAMELY CHAIRS, IN CLASS  
20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).**

**SEC. 2(F).**

**FIRST USE 4-0-1958; IN COMMERCE 6-9-1958.**

**SER. NO. 76-394,225, FILED 5-21-2004.**

**THE MARK CONSISTS OF THE OVERALL  
SHAPE AND APPEARANCE OF THE UPPER POR-**

**BRIAN FINO, EXAMINING ATTORNEY**

# Exhibit 6

8/7/13

Eames Lounge Chair | Reproduction | Replica | Rove Concepts

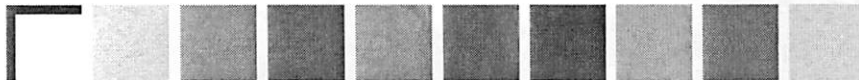
# Eames Lounge Chair with Ottoman

Inspired by Eames, Charles and Ray

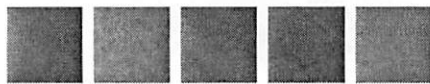
\$1,595.00

7 Review(s)

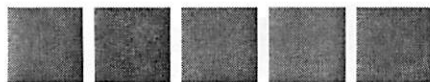
## Classic Leathers



## Waxy Leathers



## Vintage Leathers



## Veneer



[More colors](#)

## Your Current Configuration

Siena Black

Rosewood Palisander

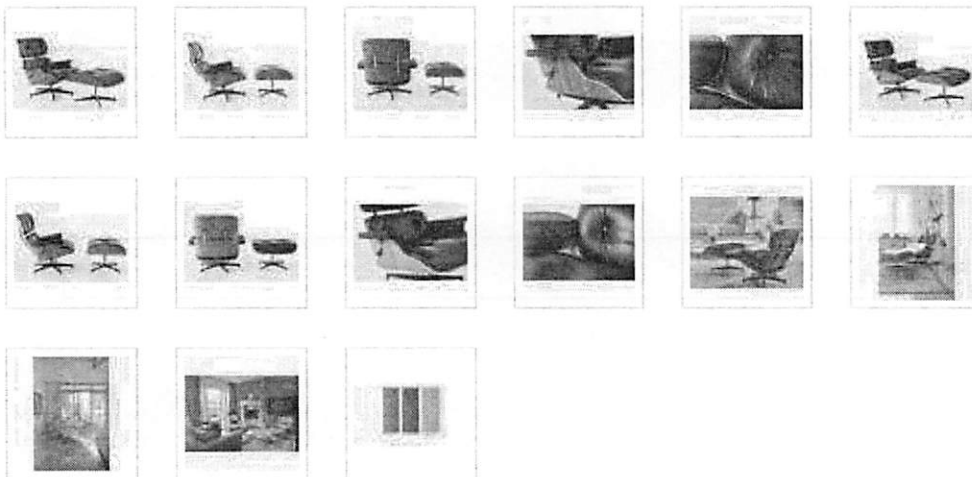
Configuration in stock.

[How Rove Compares](#)

[Our Materials](#)

8/7/13

Eames Lounge Chair | Reproduction | Replica | Rove Concepts



### How Rove Compares

We want you to learn a little about our business.

8/7/13

Eames Lounge Chair | Reproduction | Replica | Rove Concepts

## Materials

Find more information on our high quality materials.

## Request a FREE sample

Get swatches to your door, fast and free!

## Related Articles

A Piece of History: The Eames Lounge Chair and How It Defined an Era

The Leather Files

The Value of Comfortable Longevity

How to Design a Stylish Nursery Your Baby can Grow Into

Miles Davis, and a piece of modernist furniture – So What!

### Eames, Charles and Ray

Charles Eames, an American architect and designer was greatly influenced by the Finnish architect Eliel Saarinen. Eliel's son Eero (creator of the ... [Read More](#)

[Specs](#)[Description](#)[Designer](#)[Dimensions](#)[Reviews \(7\)](#)[Shipping](#)

## Specifications

### What makes the Rove Eames Lounge Chair premium reproduction so special?

- Upholstered in 100% full grain Aniline Leather imported from Italy. Over the years we have maintained excellent relationships with our supplier and have an inexhaustible supply of leather finishes/colors. All parts of the chair are made with the same leather grade including piping and buttons.
- Wooden Veneer is First and Seconds grade American Timber. FAS boards are certified to be only the best cuts from the log and produce the least amount of knots. These

8/7/13

Eames Lounge Chair | Reproduction | Replica | Rove Concepts

are sourced exclusively from USA, Canadian and Brazilian companies including Midwest Walnut Company®, Lehmann Lumber® and Hartzell Hardwoods®.

- True to the original the veneer features 7 ply's of cross grained engineered wood and is Kiln dry stabilized to prevent any sort of warping or cracking.
- Wood is finished with a final application of Italian Lacquer. This protects the wood and gives it the most natural look possible, ensuring the color will not fade over time. A total of 4 coats are applied.
- PU-Injected foam cushions are dacron wrapped. This results in a extremely comfortable chair with the highest level of durability.
- Rubber Shock Mount plating underneath the arm connects the back and base of the chair allowing for flex. The wrong shock mounts used will compromise the comfort of this design.
- Standard Herman Miller cast base and back braces comes in a high polished bright aluminum trim. Also customizable in the full Vitra aluminum base.
- Full original specifications and details are incorporated into our design, there simply is no discernable difference in the quality between the authentic chairs and our lounge.
- This item is not an original Charles & Ray Eames Lounge chair, nor is it manufactured by or affiliated with Herman Miller.

### **Genuine Imported Leathers**

In order to distinguish Rove's line of genuine imported full leathers from generic leathers offered elsewhere that make similar claims of quality, we highly encourage you to request free swatches from each store and compare them side by side!

We are confident you will see the difference our quality makes. Rove products are designed to last for years thus it is only fitting that great attention is owed to the material and craftsmanship of each piece.

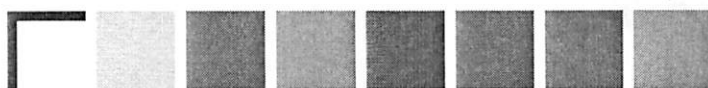
# Eames Aluminum Group Management Chair

Inspired by Eames, Charles and Ray

\$695.00

[Write a review](#)

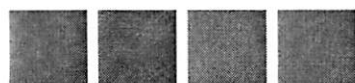
## Classic Leathers



## Waxy Leathers



## Vintage Leathers



[More colors](#)

## Your Current Configuration

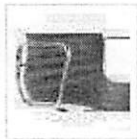
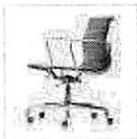
Modena Black

Item configuration is by custom order only.

[How Rove Compares](#)

[Our Materials](#)





### How Rove Compares

We want you to learn a little about our business.

### Materials

Find more information on our high quality materials.

### Request a FREE sample

Get swatches to your door, fast and free!

## Related Articles

The Leather Files

Decorating Your Office

### Eames, Charles and Ray

Charles Eames, an American architect and designer was greatly influenced by the Finnish architect Eliel Saarinen. Eliel's son Eero (creator of the ... [Read More](#)



Specs

Description

Designer

Dimensions

Reviews (0)

Shipping

## Specifications

This reproduction was designed by Charles & Ray Eames in 1958. The main materials of this designer office chair is Polished Aluminum and Leather.

The Rove Concepts reproduction features:

- A low back with arms and an aluminum frame with suspended upholstery.
- A 5-star base, tilt-swivel mechanism and seat-height adjustment (regular or pneumatic).
- The new pneumatic height adjustment allows for easier height adjustment, adds 2 additional inches to the top end of the height adjustment and the new tilt lock allows the seat angle to be secured in the neutral position. Available with casters (wheels) or glides
- Full grain aniline leather

## Genuine Imported Leathers

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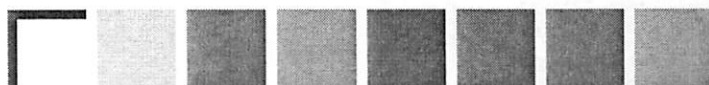
# Eames Soft Pad Management Chair

Inspired by Eames, Charles and Ray

\$745.00

[Write a review](#)

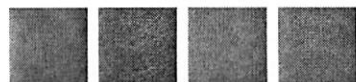
## Classic Leathers



## Waxy Leathers



## Vintage Leathers



[More colors](#)

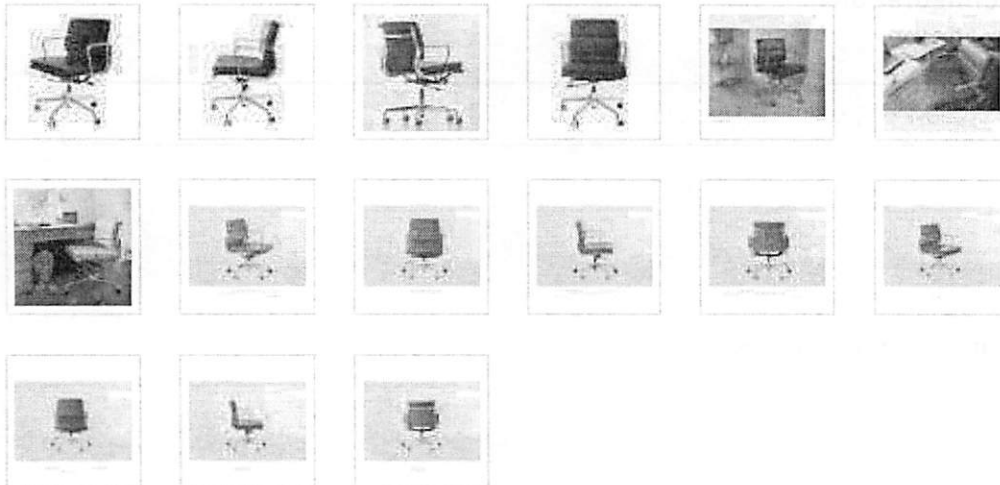
## Your Current Configuration

Modena Black

Item configuration is by custom order only.

[How Rove Compares](#)

[Our Materials](#)



### How Rove Compares

We want you to learn a little about our business.

### Materials

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## Related Articles

The Leather Files

Decorating Your Office

### Eames, Charles and Ray

Charles Eames, an American architect and designer was greatly influenced by the Finnish architect Eliel Saarinen. Eliel's son Eero (creator of the ... [Read More](#)



Specs

Description

Designer

Dimensions

Reviews (0)

Shipping

## Specifications

This Eames Soft Pad Management Chair Reproduction Features:

- Full Grain Italian Leather Upholstery
- aluminum frame, base and armrests
- 5-star base, tilt-swivel mechanism and seat-height adjustment
- Tubular steel column
- Popular design/modern classic, durable and extremely comfortable
- Thick padded leather cushions for ultimate comfort

### Genuine Imported Leathers

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We are confident you will see the difference our quality makes. Rove products are designed to last for years thus it is only fitting that great attention is owed to

the material and craftsmanship of each piece.

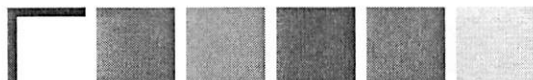
# Eames Soft Pad Executive Chair

Inspired by Eames, Charles and Ray

\$745.00

[Write a review](#)

## Classic Leathers



## Waxy Leathers



## Vintage Leathers



[More colors](#)

## Your Current Configuration

Modena Black

Item configuration is by custom order only.

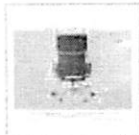
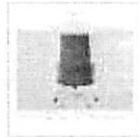
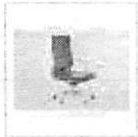
[How Rove Compares](#)

[Our Materials](#)



8/7/13

Eames Office Chair | Soft Pad Executive | EA217 High Back | Rove Concepts



### How Rove Compares

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## Related Articles

The Leather Files

Decorating Your Office

### Eames, Charles and Ray

Charles Eames, an American architect and designer was greatly influenced by the Finnish architect Eliel Saarinen. Eliel's son Eero (creator of the ... [Read More](#)



Specs

Description

Designer

Dimensions

Reviews (0)

Shipping

## Specifications

This Eames Soft Pad Executive Chair Reproduction Features:

- Full Grain Aniline Leather Upholstery
- aluminum frame, base and armrests
- 5-star base, tilt-swivel mechanism and seat-height adjustment
- Tubular steel column
- Popular design/modern classic, durable and extremely comfortable
- Thick padded leather cushions for ultimate comfort
- High back version with choice of wheels or glides.
- Dimensions 24"W x 25"D x 35"-42"H

### Genuine Imported Leathers

In order to distinguish Rove's line of genuine imported full leathers from generic leathers offered elsewhere that make similar claims of quality, we highly encourage you to request free swatches from each store and compare them side by side!

We are confident you will see the difference our quality makes. Rove products are designed to last for years thus it is only fitting that great attention is owed to the material and craftsmanship of each piece.

## Shop by Category

Living Room (67)  
Dining Room Furniture (26)  
Bedroom Furniture (16)  
Office Furniture (9)  
Lighting (22)  
Accessories (17)

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Eames Lounge Chair with Ottoman

<http://www.roveconcepts.com/store/living-room/chairs/eames-lounge-chair>

Eames Aluminum Group Management Chair

<http://www.roveconcepts.com/store/office/chairs/eames-inspired-low-back-executive-chair>

Eames Molded Plywood Lounge Chair - LCW

<http://www.roveconcepts.com/store/living-room/chairs/eames-plywood-lounge-chair>

Eames Molded Plywood Lounge Chair - LCW Pony Hide

<http://www.roveconcepts.com/store/living-room/chairs-loungers/eames-plywood-lcw-lounge-chair-pony-skin>

Eames Soft Pad Management Chair

<http://www.roveconcepts.com/store/eames-charles-and-ray/eames-ea217-softpad-management->

chair

Noguchi Coffee Table

<http://www.roveconcepts.com/store/living-room/tables/noguchi-coffee-table>

Eames Executive Chair

<http://www.roveconcepts.com/store/office/chairs/eames-inspired-executive-chair>

Eames Molded Plastic Rocker - RAR

<http://www.roveconcepts.com/store/living-room/chairs/eames-rocking-chair>

Eames Aluminum Group Executive Chair

<http://www.roveconcepts.com/store/eames-charles-and-ray/eames-high-back-executive-chair>

Eames Soft Pad Executive Chair

<http://www.roveconcepts.com/store/eames-charles-and-ray/eames-ea217-softpad-management-chair-high-back>

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